

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**IN RE: REALPAGE, INC.,
RENTAL SOFTWARE ANTITRUST
LITIGATION (NO. II)**

) **Case No. 3:23-md-3071**
) **MDL No. 3071**
)
) **This Document Relates to: ALL CASES**
)

ORDER

On June 1, 2023, the Court issued an Order requesting applications for Plaintiff's Lead Counsel, Interim Class Counsel and/or Steering Committee Counsel, as well as Plaintiffs' and Defendants' Liaison Counsel. (Doc. No. 243). The Court received submissions, and, after consideration, makes the following appointments:

1. For the Multi-Family and Student Rental Plaintiffs the Court makes the following designations pursuant to Federal Rule of Civil Procedure 23(g)(3) and as contemplated by the Manual for Complex Litigation, Fourth § 10.221 (2022):

- Plaintiffs' Interim Co-Lead Counsel: Patrick Coughlin of Scott+Scott Attorneys at Law, LLP; Stacey Slaughter of Robins Kaplan LLP; and Swathi Bojedla of Hausfeld, LLP;
- Plaintiffs' Liaison Counsel: Tricia Herzfeld of Herzfeld, Suetholz, Gastel, Leniski and Wall, PLLC; and
- Plaintiffs' Steering Committee Counsel: Brendan Glackin of Lieff Cabraser Heimann & Bernstein, LLP; Daniel J. Walker of Berger Montague, P.C.; Steve W. Berman of Hagens Berman Sobol Shapiro LLP; and attorneys to be identified from Cafferty Clobes Meriwether & Sprengel LLP; Lowery Dannenberg, P.C.;

Joseph Saveri Law Firm, LLP; Kozyak Tropin & Throckmorton LLP; and Korein Tillery P.C.

The Court finds that the criteria for appointment under Rule 23(g) are satisfied. Counsel will fairly and adequately represent the interests of the proposed classes; have performed significant work to identify and investigate potential claims; have significant experience handling class action and antitrust litigation as well as experience with certain counsel representing Defendants; have knowledge of the applicable law; have committed sufficient resources to representing the class; and have outlined a preliminary plan to manage the costs of the litigation, the allocation of work, and a preliminary pretrial schedule. (Doc. No. 257-9).

Interim Co-Lead Counsel shall have authority over the following matters on behalf of all Plaintiffs in the MDL:

- a. Convening meetings of Plaintiffs' counsel;
- b. Establishing and collecting a litigation fund to cover the cost and expenses of litigation on behalf of the Plaintiffs' class;
- c. The initiation, responses, scheduling, briefing, and argument of all motions;
- d. The scope, order, and conduct of all discovery proceedings;
- e. Assigning work among themselves and other Plaintiffs' counsel as they may deem appropriate with periodic reports on same to the Court;
- f. Collecting time and expense reports from all Plaintiffs' counsel on a periodic basis;
- g. The retention of experts;
- h. The designation of which Plaintiffs' attorneys shall appear at hearings and conferences with the Court;
- i. Settlement negotiations and agreements with Defendants;

- j. Allocating among counsel any award of attorneys' fees and expenses; and
- k. All other matters concerning the pretrial prosecution of the Consolidated Action.

2. The Court makes the following designations for Defendants' Liaison Counsel and Steering Committee as contemplated by the Manual for Complex Litigation, Fourth § 10.221 (2022):

- Jay Srinivasan of Gibson, Dunn & Crutcher LLP shall serve as Defendants' Lead Liaison Counsel and Steering Committee Member, and as such, shall act as the Court's primary point of contact with Defendants. Though the Lead Liaison Counsel role is not explicitly contemplated by the Manual for Complex Litigation, Fourth § 10.221 (2022), the Court finds that this appointment will streamline communications between itself and Defendants, thereby saving judicial resources and promoting the speedy resolution of this case.
- Britt Miller of Mayer Brown LLP;
- Samuel P. Funk of Sims Funk, PLC;
- Gregory Casas of Greenberg Traurig LLP;
- Carl Hittinger of Baker & Hostetler LLP; and
- Michael Maddigan of Hogan Lovells US LLP.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE